

{Please note: These transcripts are not individually reviewed and approved for accuracy.

MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

SIERRA HEARING ROOM

SACRAMENTO, CALIFORNIA

MONDAY, OCTOBER 4, 2004

10:00 A.M.

JAMES F. PETERS, CSR, RPR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Roalie Mulé, Chairperson

Ms. Rosario Marin

Mr. Michael Paparian

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Marie Carter, Chief Counsel

Mr. Howard Levenson, Deputy Director

Mr. Michael Bledsoe, Staff Counsel

Mr. Tad Gebrehawariat

Ms. Suzanne Hambleton

Mr. Reinhard Hohlwein

Mr. Wed Mindermann

Ms. Leslie Newton-Reed

Ms. Sue O'Leary

Ms. Gerry Stryker

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES CONTINUED

ALSO PRESENT

Ms. Terry Barber, Siskiyou County LEA

Mr. Grant Eisen, Nevada County LEA

Ms. Vicky Gallagher

Ms. Tracey Harper, Nevada County Department of  
Transportation and Sanitation

Mr. Chuck Helget, Allied Waste/BFI

Mr. Steve Kalvelage, Sacramento County LEA

Ms. Rebecca LaFreniere

Mr. Neil Mohr, General Manager, San Diego Landfill System

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

INDEX	PAGE
Roll Call	1
A. Deputy Director's Report	2
B. Consideration Of A Revised Full Solid Waste Facilities Permit (Disposal Facility) For The Sycamore Landfill, San Diego County -- (October Board Item 2)	8
Motion	17
Vote	17
C. Consideration Of A Revised Full Solid Waste Facilities Permit For Yreka Landfill (Disposal Facility), Siskiyou County -- (October Board Item 3)	18
Motion	27
Vote	27
D. Consideration Of A Revised Full Solid Waste Facilities Permit (Transfer/Processing Station) For The McCourtney Road Transfer Station, Nevada County -- (October Board Item 4)	28
Motion	34
Vote	34
E. Semi-Annual Update And Publication Of The Inventory Of Solid Waste Facilities Which Violate State Minimum Standards -- (October Board Item 5)	35
F. Consideration Of Augmentation For The Environmental Services Contracts For Landfill And Disposal Site Remediation (IWM03015A and IWM03015B) -- (October Board Item 6)	45
Motion	48
Vote	49
Public Comment	49
Adjournment	49
Reporter's Certificate	50

1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good morning, everyone. I'd  
3 like to welcome all of you to today's meeting of the  
4 Permitting and Enforcement Committee. First of all, I  
5 would like to thank our Board Chairperson Rosario Marin  
6 for allowing me this opportunity to Chair the permitting  
7 and Enforcement Committee. I'm really looking forward to  
8 working with all of you and with our other members on this  
9 committee. It really is an honor and privilege and thank  
10 you again, Chair Marin.

11 There are agendas on the back table. If anyone  
12 would like to speak on an item, there are speaker's slips  
13 in the back to fill out. And I guess you bring them up to  
14 Deb or to Jeannine. And if you could please turn off your  
15 cell phones and pagers at this time, so we don't have any  
16 disturbances, we'd appreciate it.

17 Jeannine, would you please call the roll.

18 SECRETARY BAKULICH: Board Member Marin?

19 COMMITTEE MEMBER MARIN: Present.

20 SECRETARY BAKULICH: Paparian?

21 COMMITTEE MEMBER PAPARIAN: Here.

22 SECRETARY BAKULICH: Mulé.

23 CHAIRPERSON MULÉ: Here.

24 Thank you, Jeannine. And members, do you have  
25 any ex partes to report?

1 COMMITTEE MEMBER MARIN: I'm up to date.

2 COMMITTEE MEMBER PAPARIAN: I'm up to date.

3 CHAIRPERSON MULÉ: And I'm up to date as well.

4 Mr. Levenson, if you could give us your  
5 Director's Report, we'd appreciate it. Thank you.

6 DEPUTY DIRECTOR LEVENSON: Good morning, Madam  
7 Chair and committee members, Howard Levenson with  
8 Permitting and Enforcement Division. I have a short  
9 Deputy Director's report for you today. First of all, I  
10 want to give you a very quick update on La Montana. I  
11 think some of you know that we finally have gotten a court  
12 date for hearing our request for final approval to access  
13 the site and begin the project.

14 And that hearing date is October 13th, the first  
15 day of next week's board meeting at 1:30. And I know  
16 there will be several staff there including Steve Levine  
17 from the legal office and I believe Scott Walker also will  
18 be there.

19 So hopefully by the end of the day we'll have a  
20 report to you. And hopefully everything will go well and  
21 we'll have the authorization that we need to start the  
22 project.

23 Assuming that goes well, we will then schedule a  
24 meeting with the community and the city to go over the  
25 community health and safety plan and the logistics of the

1 operation. And we're shooting for that for the evening of  
2 November 4th, tentatively, depending on whether we can get  
3 everything squared away.

4 So we'll let you know more about that. We do  
5 have to notice the meeting. So we'll have plenty of time  
6 to do that. And then once that's done, and we tweak the  
7 plan a little bit, if needed, then we can start mobilizing  
8 the contractor. So we're getting closer, but we're still  
9 awaiting that final court authorization.

10 Also, I wanted to mention that on September 23rd,  
11 Elliot Block, myself and Elizabeth MacMillan from the  
12 Ledge office went down to a hearing being held by Senator  
13 Florez on green waste and land applications. This was  
14 held in Delano down in Kern County.

15 And the purpose of that was to look at local and  
16 State responses to the land spreading of what was really  
17 solid waste. It was illegal disposal. The particular  
18 incident of concern was in Kern County, but we're aware of  
19 similar incidents in several other counties.

20 The attendees at that particular meeting were LA  
21 Waste, which was a contract hauler. They were absent.  
22 Although, they had promised they would be there. They  
23 were the ones who actually spread it. Waste Management,  
24 Kern County Environmental Health Department, California  
25 Department of Food and Ag, the Kern County Farm Bureau,

1 Green and Grow, which is a fairly new operation down in  
2 Kern County and the Waste Board.

3           Some of the issues that came up, and we'll  
4 probably be hearing more about this over the next few  
5 months, was the need for the LEA to be notified in advance  
6 about potential land applications, so they're not coming  
7 in later on after something has already happened. There  
8 may need to be some statutory provisions for that.

9           The need for Department of Food and Ag  
10 involvement in determining what constitutes acceptable  
11 land application. And this stems -- goes way back to the  
12 mid-nineties when we attempted to do some work and  
13 regulatory packages with wood ash and what would  
14 constitute land application, and the Department told us  
15 basically that that was their jurisdiction and they would  
16 handle guidance on that.

17           There also was quite a bit of discussion about  
18 the one percent threshold, which is what -- is the  
19 definition of what constitutes green waste that is really  
20 handle a solid waste versus green material, which is no  
21 longer considered solid waste, and whether that should be  
22 lowered. And also placing more responsibility on the  
23 generators, the haulers and local jurisdictions for  
24 projects like this where material is being moved over  
25 great distance and then potentially being land applied.



1           So that will continue to percolate and we'll keep  
2 you informed as to whether we see any legislation coming  
3 or what we need to do.

4           COMMITTEE MEMBER MARIN: I have a question  
5 regarding that, Madam Chair. Howard, the LEAs, you think  
6 that we would need statutory changes so that they are  
7 informed ahead of time? That's not current practice or is  
8 it more as a courtesy that they know ahead of time, but  
9 it's not mandated?

10          DEPUTY DIRECTOR LEVENSON: That's correct that it  
11 is not currently mandated. And typically, they do not  
12 know about a practice like this. We're still exploring  
13 this to find out how often this is happening and what the  
14 current statutory basis is.

15          But basically, it was illegal disposal. And the  
16 haulers who are taking these materials, even if it was not  
17 illegal disposal, if material was clean and it was under  
18 one percent and they took it to be land applied, there's  
19 no provision for notifying the LEA in advance and getting  
20 any kind of approval either from the LEA or some kind of  
21 sign-off from Department of Food and Ag that this is  
22 acceptable for that particular site, that soil type or  
23 that crop type. So it's a definite gap.

24          COMMITTEE MEMBER MARIN: But would it be  
25 necessary -- do you think that it would require

1 legislation? Is there anything that we can do through  
2 regulation?

3 DEPUTY DIRECTOR LEVENSON: We're conferring.

4 You know, what I'd to be able to do is talk to  
5 the legal office about that and get back to you to all the  
6 Committee Members, because we may be able to do it in reg,  
7 but we may need some underlying statutory authority.

8 COMMITTEE MEMBER MARIN: Okay. Well, my  
9 preference would always be, Madam Chair, to, if we can, do  
10 it through regulation, that we do it through Regulation.  
11 It gets done faster and easier. And it sends a very clear  
12 message that this will no longer be accepted. And we  
13 don't have to wait 2 years for it to come to fruition.

14 Thank you.

15 DEPUTY DIRECTOR LEVENSON: We'll talk about that  
16 and then I will get back to you as soon as I can.

17 COMMITTEE MEMBER MARIN: Maybe we need to work  
18 with the author to see -- because I know he was very  
19 interested in some of the ramifications of a lot of things  
20 that weren't going on. But if we could, then we're being  
21 more proactive than we have been.

22 Thank you.

23 DEPUTY DIRECTOR LEVENSON: Very good.

24 Lastly, I just wanted to let you know just  
25 upcoming items. First of all, I'll indicate that the

1 Permitting and Enforcement Committee for November will be  
2 on the 3rd and it will begin at 10 o'clock. And I believe  
3 that that will be our start time in the following months  
4 as well; is that correct, Madam Chair?

5 CHAIRPERSON MULÉ: (Chairperson Mulé nods head.)

6 DEPUTY DIRECTOR LEVENSON: In November, we will  
7 have Gregory Canyon Landfill is still on the agenda. That  
8 will be after -- the third will be after the election on  
9 the second, so we'll have some information on the ballot  
10 proposition. And, at this point, we still to have hear  
11 the item regardless of what happens on the proposition,  
12 unless the operator waives time and pulls the permit.

13 We'll also have an item on the workshops that  
14 Mark de Bie just had last week on the regulations -- or  
15 potential regulatory concepts related to AB 1497, the  
16 public hearings and significant change and a whole host of  
17 other permit related regulatory concepts.

18 And that will be an item for your  
19 consideration -- or your direction in terms of the  
20 packaging of those concepts and the timing of when we  
21 start working on them.

22 After that in December and January we have a lot  
23 coming. We have the RD&D rule. We have a workshop on  
24 compliance and enforcement. We have the operator training  
25 certification regulations. And we have a workshop on

1 post-closure maintenance financial assurance issues.

2 So there's plenty coming to the Committee.

3 With that, if there aren't anymore questions,  
4 that's the end of my report.

5 CHAIRPERSON MULÉ: Any questions?

6 Okay. Great.

7 Thank you, Howard. Good update.

8 Let's move on to Agenda Item 2, which is  
9 consideration of a Revised Full Solid Waste Facilities  
10 Permit (Disposal Facility) for the Sycamore Landfill, San  
11 Diego County.

12 DEPUTY DIRECTOR LEVENSON: Tad Gebrehawariat will  
13 present that item.

14 MR. GEBREHAWARIAT: Good morning. The proposed  
15 revised permit is to allow for the following changes:

16 Increase the hours of operation from the current  
17 7 a.m. to 4:30 p.m. on weekdays and 7:30 to 4 p.m. on  
18 weekends to 6 a.m. to 4:30 on Monday through Friday and 6  
19 a.m. to 4 o'clock on Saturday and Sunday.

20 The permit is also to reduce the overall landfill  
21 area from almost 520 acres to 491, and the disposal  
22 footprint from 340 to 324 acres. The situation in turn  
23 will reduce the remaining disposal capacity from nearly 28  
24 million to 20.6 million cubic yards.

25 And the permit is also to change the estimate of

1 the closure period for the landfill from 2017 to 2016.

2 At the time the item was prepared all of the  
3 requirements for the proposed revised permit were met as  
4 we present in the table on page 2-4 of the agenda item.  
5 But also in the agenda item, staff had indicated that we  
6 would provide an update to the Committee regarding the  
7 Notice Of Violation to the operator -- that the LEA had  
8 issued to the operator requiring an action corrective  
9 action plan for some recurring permit violations.

10 Today, we are happy to report that the operator  
11 has submitted the required action plan and the LEA has  
12 accepted the proposed procedures for how the landfill will  
13 operate within the limits of the permit specifications.

14 Therefore, staff recommends that the Board adopt  
15 Solid Waste Facilities Permit Decision Number 2004-257,  
16 concurring with the issuance of solid waste facilities  
17 permit number 37-AA-0023.

18 Ms. Vicky Gallagher, the LEA program manager, and  
19 Ms. Rebecca LaFreniere, the LEA, are here, and they want  
20 to make some presentation to the Committee regarding the  
21 Notice of Violation and issues around it.

22 Also, Mr. Neil Mohr and Deana from the operator  
23 are here to answer any questions you may have. This  
24 concludes my presentation.

25 CHAIRPERSON MULÉ: Thank you very much. Vicky,

1 would you like to come up?

2 MS. GALLAGHER: Good morning. I'm Vicky  
3 Gallagher, and I'm the program manager for the City of San  
4 Diego LEA. And first of all I'm very happy to be here  
5 today. This is the first time I've been to a Permitting  
6 and Enforcement meeting, so I'm very pleased to be here.  
7 And we're happy to take this permit forward for Sycamore.  
8 This is our first revision we've done.

9 And I'd like to introduce our staff, Rebecca  
10 LaFreniere, and she's the inspector for Sycamore Landfill  
11 and is the person that's been processing the permit. And  
12 she has some additional comments to make about the status  
13 of the landfill.

14 Rebecca.

15 CHAIRPERSON MULÉ: Okay.

16 (Laughter.)

17 MS. LaFRENIERE: Good morning, Chairperson Mul  
18 and Board Members. My name is Rebecca LaFreniere, and I'm  
19 with the City of San Diego Solid Waste Local Enforcement  
20 Agency.

21 I would like to provide you a brief update on the  
22 corrective action plan required by the LEA. On July 12th,  
23 the LEA issued an official notice of violation to Sycamore  
24 Landfill Incorporated, also known as SLI, the operator and  
25 owner of Sycamore Landfill, requiring a corrective action

1 plan to address intermittent permit violations under PRC  
2 44014(b), Solid Waste Facility Permits and Conditions,  
3 specifically daily and monthly tonnage and traffic  
4 exceedances.

5 On August 9th the LEA received SLI's response for  
6 addressing the tonnage violations. In summary, SLI  
7 proposed and is implementing the following:

8 A monthly and hourly tracking system with  
9 projected tonnage limits to ensure permitted tonnage  
10 limits are not exceeded.

11 They contacted their larger customers and  
12 notified them that they would need a contingency plan in  
13 place for rerouting their loads to an alternative landfill  
14 based on the results of SLI's tracking system.

15 And also contacted their construction and  
16 demolition contractors and directed them to further sort  
17 materials for additional recycling and diversion  
18 opportunities.

19 On August 30th, the LEA notified SLI that their  
20 corrective action plan was deficient and that it did not  
21 adequately address the traffic exceedances. SLI responded  
22 to the LEA and began implementing the following procedures  
23 to address traffic exceedances.

24 They increased communications with their  
25 aggregate processor and disposal operations to coordinate

1 traffic counts throughout the day, as well as worked with  
2 their aggregate processors to revise the shipping  
3 schedules.

4 I have reviewed the September 2004 vehicle count  
5 and tonnage records for Sycamore Landfill. There were no  
6 permitted traffic exceedances, and the monthly tonnage was  
7 in compliance. However, the facility did exceed its daily  
8 permitted tonnages on 4 events, by 20 tons, 27, 84 and 23  
9 tons.

10 It appears that the corrective action plan that  
11 is being implemented is a good faith effort by the  
12 operator. In discussions with SLI the four days where the  
13 daily tonnage was exceeded was due to haulers entering the  
14 landfill in the last 15 minutes of the day. The  
15 corrective action plan will require some fine-tuning by  
16 the operator to address these end-of-the-day arrivals.

17 In addition, the operator and the LEA will  
18 continue to monitor the tonnage and traffic records for  
19 any trends that may be seen as a result of the  
20 implementaion of the corrective action plan. Should a  
21 trend be identified, then again the corrective action plan  
22 will have to be modified.

23 Lastly, on November 18th in 2002 the operator did  
24 apply to the City of San Diego Development Services  
25 Department for a new Sycamore Landfill master plan. The



1 master plan proposes an increase in tonnage and  
2 corresponding traffic.

3 On April 22nd, 2003, the City of San Diego  
4 conducted a public scoping meeting. An initial study was  
5 prepared by the city and it was determined that an  
6 Environmental Impact Report would be necessary.

7 Currently, the Draft Master Environmental Impact  
8 Report is being prepared. The Master Environmental Impact  
9 Report will evaluate impacts associated with the master  
10 plan. In speaking with the city, a second screen check  
11 Draft Master Environmental Impact Report is scheduled to  
12 be submitted by SLI this month.

13 This concludes my update, and I'd like to thank  
14 board staff for their assistance with the proposed  
15 revision. And I'm also available for any questions that  
16 you may have.

17 Thank you.

18 CHAIRPERSON MULÉ: Thank you very much. Do we  
19 have any questions of our board members?

20 Mr. Paparian.

21 COMMITTEE MEMBER PAPARIAN: Yeah. And this might  
22 be for the operator, too. You mentioned the master plan,  
23 I'm just curious where things are going with this  
24 landfill? How big is it expected to be in the future? As  
25 I understand it, it's an expansion, right?

1           CHAIRPERSON MULÉ: We do have in the audience  
2 Neil Mohr with the Sycamore Landfill, General Manager. So  
3 Neil we appreciate your being here and answering the  
4 questions.

5           Thank you.

6           MR. MOHR: Good Morning, members. My name is  
7 Neil Mohr. I'm General Manager for San Diego Landfill  
8 Systems. The question you asked what is the expansion  
9 plan for the landfill. An application was submitted last  
10 year for a master plan of the facility. What we look to  
11 do, we now have 4 separate landfills permitted on our  
12 property. And we look to combine those 4 landfills into  
13 one.

14           You heard on your board presentation that we have  
15 remaining about 20 million cubic yards. The application  
16 we have in front of the City of San Diego takes that to  
17 180 million yards. So it's a significant expansion. I  
18 think one of the things you hear today, when you look at  
19 our history is the traffic and daily caps. I think what  
20 is significant is it's not really a capacity issue right  
21 now, it's just from a -- an ultimate capacity, but it's  
22 daily.

23           And that's what we're looking to correct with our  
24 application, to revise the traffic studies and the daily  
25 limits.

1 COMMITTEE MEMBER PAPARIAN: And I know these  
2 things are sometimes unpredictable, but how soon do you  
3 think we may see the proposed expansion?

4 MR. MOHR: The process that the City of San Diego  
5 has set up, our application goes to the City of San Diego  
6 Planning Department. We have dates set up for normally  
7 about a 3-screen check review process.

8 Right now, we're in the second of those reviews.  
9 We hope to have the process in front of the City Planning  
10 Department, next year, City of San Diego, which would then  
11 be at maybe end of next year here in front of the Board.

12 COMMITTEE MEMBER PAPARIAN: Okay. And one other  
13 question I have. There's been a -- there was a waiver  
14 because of the San Diego fires from taking the extra  
15 tonnage. And I think that's due to expire this month or  
16 it may have already expired. What's the status of that or  
17 are we going to need to have waivers in the future or are  
18 things with this permit going to be back in synch?

19 COMMITTEE MEMBER MARIN: I hope there are no more  
20 fires so that we don't have to have that waiver.

21 MS. LaFRENIERE: The emergency waiver is due to  
22 expire on October 24th this month and it is not  
23 anticipated to be extended.

24 The previous quarter it was extended because the  
25 other waivers within the county had expired and Sycamore

1 would be the remaining landfill that could still accept  
2 fire related debris. And unfortunately, in the rural east  
3 county of the county there still was fire debris cleanup  
4 occurring. So we went ahead and granted them the extra 90  
5 days, but we don't anticipate that to occur again this  
6 month.

7 COMMITTEE MEMBER PAPARIAN: Thank you.

8 CHAIRPERSON MULÉ: Any other questions?

9 COMMITTEE MEMBER MARIN: No, Madam -- go ahead.

10 MR. MOHR: If I could just take a second, because  
11 one of the issues we have, and this maybe getting a little  
12 off agenda, but as it relates to the fire debris. We have  
13 a program in place that we've been working with the  
14 cleanup contractors cleaning up the fire debris. And  
15 we're doing some screening at our landfill to point out  
16 metal and things from the fire debris waste.

17 One of the things that doesn't seem to be  
18 recognized all the time is we've lost over 3,000 homes in  
19 San Diego county. And not only is there fire debris from  
20 that in the cleanup, but there's also the associated  
21 reconstruction debris that is putting a pressure on the  
22 haulers and the landfills to manage that waste.

23 We are working and trying to encourage recycling  
24 of the wood products now, but that is putting a pressure  
25 on the waste system also.

1 Thank you.

2 CHAIRPERSON MULÉ: Board Member Marin.

3 COMMITTEE MEMBER MARIN: Madam Chair, I have been  
4 to the Sycamore area. I think you and I went there  
5 separately.

6 CHAIRPERSON MULÉ: Actually, I was just there  
7 last week.

8 COMMITTEE MEMBER MARIN: Obviously, the need for  
9 this extension of hours is necessary. I have no problem  
10 granting it. But as we go into the next phase, I  
11 certainly agree with Mr. Paparian, I would like to see how  
12 it's all going to impact the surrounding area. There  
13 should be -- I think you guys can make a very good case  
14 for the expansion, but please keep us in mind. Please  
15 keep us in touch.

16 Thank you.

17 CHAIRPERSON MULÉ: Thank you. Any other  
18 questions?

19 COMMITTEE MEMBER MARIN: I move the Resolution  
20 2004-257.

21 COMMITTEE MEMBER PAPARIAN: Second.

22 CHAIRPERSON MULÉ: We have a motion by Board  
23 Member Marin and seconded by Board Member Paparian.

24 Jeannine, could you call the role.

25 SECRETARY BAKULICH: Board Member Marin?

1 COMMITTEE MEMBER MARIN: Aye.

2 SECRETARY BAKULICH: Paparian?

3 COMMITTEE MEMBER PAPARIAN: Aye.

4 SECRETARY BAKULICH: Mulé.

5 CHAIRPERSON MULÉ: Aye.

6 Motion passes 3-0.

7 And can this go on consent, Howard, Mark?

8 DEPUTY DIRECTOR LEVENSON: Yes, ma'am.

9 CHAIRPERSON MULÉ: Okay. Good. We'll put this  
10 on consent.

11 Thank you.

12 And thank you all City of San Diego and Neil Mohr  
13 for coming up today. We appreciate the opportunity to  
14 learn more about what all you are doing down there in San  
15 Diego county.

16 Thank you.

17 Okay. The next item, Item 3, is Consideration of  
18 Revised Full Solid Waste Facilities Permit for Yreka  
19 Landfill Disposal Facility in Siskiyou County.

20 Howard.

21 DEPUTY DIRECTOR LEVENSON: Okay, Madam Chair,  
22 Reinhard Hohlwein will be making this presentaion.

23 MR. HOHLWEIN: Thank you, Howard.

24 Good morning, Madam Chair and Committee Members.  
25 This rural landfill is located east of Interstate 5, 2

1 miles outside of the City of Yreka in Siskiyou County.

2 This facility handles municipal solid waste generated in  
3 Yreka and also for most of the rest of the the county.

4 Multiple small transfer stations centralize the  
5 waste stream coming from outlying communities in this very  
6 large region. The county is huge.

7 The facility diverts construction and demolition  
8 waste, other inert materials, such as metals and green  
9 waste. The current permitted tonnage is 38 tons a day.  
10 The permit was issued in 1979 and has never been revised  
11 and needs updating to allow for the following changes:

12 A change in permitted hours of operation from 7  
13 a.m. to 7 p.m. in the summer, 8 a.m. to 5 p.m. in winter  
14 time. An increase in the permitted boundary from 160  
15 acres to 462 acres total. Fifty-two acres for disposal.  
16 An increase in the permitted daily maximum tonnage from 38  
17 tons a day to 150 tons a day with a 1 percent per year  
18 increase in the annual average intake of 50 tons per day.  
19 A change in the landfill closure date from approximately  
20 1986 to 2065.

21 The permit revision establishes a permitted  
22 height limit of a maximum of 2,890 feet MSL and it  
23 establishes a permitted traffic volume of 244 vehicles per  
24 day with a one percent per year increase.

25 A proposed permit for this site was forwarded to

1 the Board for concurrence in 1998. It was the position of  
2 Board staff at that time that there was inadequate design  
3 information and record keeping regarding the extent of the  
4 landfill footprint at that period. Minimal engineering  
5 drawings or records of excavation were available for  
6 review. And in absence of other applicable descriptions  
7 of the limits of waste as submitted by the operator to the  
8 LEA made the project unclear and unsupported by the CEQA  
9 document requirements.

10 A negative declaration accompanied the proposed  
11 permit and that document was found to be inadequate. The  
12 requirements of subtitle D made clear that any increase in  
13 landfill footprint was only allowed if a liner were first  
14 constructed. Site evaluations, borings and some  
15 excavation records show that waste had been placed outside  
16 the permitted footprint after the 1993 subtitle D  
17 deadline.

18 Finally, there was no consequent approval of the  
19 design or increase in footprint of the landfill prior to  
20 its use.

21 For the purposes of this revision a final  
22 Environmental Impact Report has been developed and  
23 circulated. The LEA was the lead agency in the CEQA  
24 process. A comprehensive joint technical document has  
25 also been compiled which has helped to clarify and define



1 the limits of the waste at the landfill. It has also made  
2 for a much better guidance document for the facility  
3 operator where compliance with operational standards has  
4 greatly improved.

5           There are multiple mitigations required by the  
6 EIR, many of which have to do with maintaining water  
7 quality in and around the landfill. The operator will  
8 need to maintain compliance with these mitigation  
9 measures.

10           Board staff have inspected the landfill over the  
11 years and its operation has steadily improved to the point  
12 where it is now routinely in compliance with operational  
13 standards. Board staff have continued to note permit  
14 violations of the Public Resources Code on inspection  
15 reports for this facility. The LEA has cited permit  
16 violations inconsistently regarding the statutory  
17 requirements, but has done a good job of noting the  
18 progress at the facility itself, and has worked diligently  
19 with the operator with regard to evaluating and reviewing  
20 the EIR and the JTD and in helping to move the permitting  
21 process forward.

22           The facility was inspected by myself in  
23 conjunction with the LEA in August and was observed to be  
24 in compliance with State minimum standards with 2 areas of  
25 concern for litter and site maintenance, as well as the

1 ongoing violation for being out of compliance with the  
2 permit terms and conditions. That violation will be  
3 rectified with the issuance of a revised permit for the  
4 landfill.

5           There has been no public opposition to the  
6 expansion of the facility. A public meeting was held in  
7 Yreka consistent with the requirements of AB 1497 to allow  
8 for input on the project. No members of the public  
9 attended.

10           All required findings have been made and the  
11 Board staff recommend concurrence on this item and  
12 adoption of Resolution 2004-259.

13           That concludes my presentation. The LEA is here  
14 today to answer any possible questions you might have.

15           CHAIRPERSON MULÉ: Very good. Thank you very  
16 much.

17           Are there any questions, board members?

18           Mr. Paparian.

19           COMMITTEE MEMBER PAPARIAN: Yeah. Thank you,  
20 Madam Chair. You went over fairly quickly the issue of  
21 consistency and the issuance of notice and orders, or you  
22 know the notice of violations or whatever. In reading the  
23 item, it seems like there's some inconsistency in --

24           MR. HOHLWEIN: It's been in violation of that  
25 statutory requirement for quite awhile, but there have not

1 always been violations noted for that. So there has been  
2 some inconsistency there.

3 COMMITTEE MEMBER PAPARIAN: That's of concern to  
4 me on a couple levels. One is just, you know, I think  
5 there ought to be consistency. But also there's a  
6 situation here where it's a municipally owned landfill,  
7 and we have the LEA there -- and I don't want to imply  
8 that there's anything wrong with this LEA. I don't really  
9 know. But I think that it's always a red flag for me  
10 whether a private landfill in the same situation would get  
11 the same level of treatment or would get added scrutiny.

12 You know, I've noted in a couple other areas of  
13 the state the outward appearance of special treatment for  
14 the municipally owned landfill. And I think that's  
15 something we have to guard against if we're going to have  
16 a, you know, unassailable and consistent program  
17 throughout the state.

18 CHAIRPERSON MULÉ: Howard, do you want to address  
19 that?

20 DEPUTY DIRECTOR LEVENSON: Only to indicate, and  
21 staff certainly agrees with Mr. Paparian's position on  
22 that in terms of consistency of treatment of publicly  
23 versus privately owned facilities. This LEA was evaluated  
24 in 2003 with the evaluation ending in December of '03.  
25 They were placed on a workplan for a variety of issues,

1 and they have been making progress towards full compliance  
2 with that workplan. But there is a pattern of  
3 inconsistency that we noted during that evaluation.

4 COMMITTEE MEMBER PAPARIAN: My --

5 COMMITTEE MEMBER MARIN: Can we hear from the  
6 LEA?

7 COMMITTEE MEMBER PAPARIAN: Sure. And then I  
8 have another question on another issue, too.

9 MS. BARBER: Good morning.

10 CHAIRPERSON MULÉ: Morning.

11 MS. BARBER: I'm Terry Barber of the Siskiyou  
12 County LEA, Director for the Environmental Health  
13 Department.

14 And the inconsistency that I think that we're  
15 talking about is simply not noting on the -- this has been  
16 an issue since 1979. There have been staff changes that  
17 have simply -- the violation of being out of compliance  
18 with the terms and conditions of the permit has just  
19 simply not shown up on the permit. It has not been that  
20 we haven't been actively pursuing that since about 1990.  
21 This is the second time we've been through the -- or  
22 attempted to obtain a permit for the facility.

23 I think that our record would show that we are  
24 consistently applying the law whether or not it's a  
25 municipally owned facility or not. And I think that our

1 record -- and I would hope that staff would back that up.

2           We are on a compliance plan with regard to our  
3 evaluation simply for the fact that our facility is out of  
4 compliance with the permitting. But I am not aware of any  
5 other inconsistency and any other reason we're under the  
6 plan. And that will be wrapped up as soon as we're able  
7 to obtain the permit.

8           COMMITTEE MEMBER PAPARIAN: Yeah. Thank you for  
9 that explanation. I think you know the one thing to  
10 always keep in mind is one of the things that our staff is  
11 able to do is look at facilities statewide and see how  
12 they are being regulated, and whether there is the  
13 consistency statewide. And that's, I think, an important  
14 role that we play to assure, you know, fairness in the  
15 application of our laws and regulations.

16           I did have one other question and you might be  
17 able to help me with this. The borrow pit seems fairly  
18 large for a fairly small facility.

19           And I don't know -- I mean I haven't been there.  
20 I don't know if there's something unique about the  
21 facility or the operation.

22           MS. BARBER: The operator of the facility and the  
23 owner does own the adjacent 462 -- or 299 acres. That  
24 will be used. Soils are fairly shallow as well as soil  
25 types are located on that. It is not the intent to

1 perhaps use the entire 299 acres that's been added to the  
2 site.

3 The 1979 permit did allow disposal on 162 acres.  
4 The current proposal is to use only about 52 acres of that  
5 site. So I recognize that it is a lot of acreage. Due to  
6 site conditions, the operator has requested that. It was  
7 covered in the environmental document. And there will be  
8 reclamation plans and mitigation measures to mitigate  
9 those impacts from that site.

10 COMMITTEE MEMBER PAPARIAN: Thank you.

11 CHAIRPERSON MULÉ: Any other questions?

12 COMMITTEE MEMBER MARIN: Well, actually I was  
13 going to ask the same question that you did.

14 Did we read the same thing?

15 (Laughter.)

16 COMMITTEE MEMBER MARIN: That was my concern as  
17 well, that it was such a big area for a small landfill,  
18 but it's okay.

19 Madam, I don't have anymore questions regarding  
20 this. I echo Mr. Paparian's concerns as well. And I'm  
21 glad that the LEA is working on their compliance plan.

22 You know, that's one of the things that I find  
23 most amazing about this process. What we really want from  
24 everybody is compliance. And often times by the time they  
25 come to the Board, everything has been squared away. The

1 reason why we don't deny permits is because the staff has  
2 worked diligently with the constituents at hand at working  
3 out all of the plans, making sure that all the agreements  
4 are done. And often times people only see that we have  
5 very small questions. But all of the questions have been  
6 answered throughout the process in the months leading to  
7 the agreement.

8 So I'm happy to move Resolution 2004-259.

9 COMMITTEE MEMBER PAPARIAN: Second.

10 CHAIRPERSON MULÉ: Okay. We have a motion by  
11 Board Member Marin seconded by Mr. Paparian. And Jeannine  
12 could you substitute the previous roll.

13 Very good, and can this go on consent as well?

14 DEPUTY DIRECTOR LEVENSON: At your pleasure,  
15 Madam Chair.

16 CHAIRPERSON MULÉ: How does the rest of the  
17 Committee feel?

18 Okay, very good.

19 All right, next we have Item 4, which is  
20 Consideration of a Revised Full Solid Waste Facilities  
21 Permit (Transfer/Processing Station) for the McCourtney  
22 Road Transfer Station, Nevada County.

23 And who do we have up on that one?

24 DEPUTY DIRECTOR LEVENSON: Before I introduce  
25 Sue, I just want to thank Member Marin for her insight on

1 the work that goes into these permits. Beforehand, there  
2 is an awful lot that goes on on the parts of all the  
3 stakeholders and staff as we all know.

4 CHAIRPERSON MULÉ: And that is a good point to  
5 make from time to time because people sometimes think that  
6 we just approve these, but there's a lot of discussion  
7 that goes on in meetings and with staff, as well as staff  
8 with the local LEA.

9 Thank you, Howard.

10 DEPUTY DIRECTOR LEVENSON: And in reference to  
11 that general discussion about noticing violations, it's  
12 staff's expectation that certainly, in general, violations  
13 be noted, violations of permit terms and conditions,  
14 violations of State minimum standards. They should be  
15 noted.

16 CHAIRPERSON MULÉ: Thank you.

17 DEPUTY DIRECTOR LEVENSON: Okay, onward to Agenda  
18 Item D. As you said this is for McCourtney Road Transfer  
19 Station.

20 And Sue O'Leary will be presenting that item

21 MS. O'LEARY: Thank you, Howard.

22 The proposed permit is for the revision of the  
23 McCourtney Road Transfer Station Solid Waste Facilities  
24 Permit. The facility is owned and operated by the Nevada  
25 County Department of Transportation and Sanitation. And



1 the proposed permit identifies the following changes:

2           There will be an increase in acreage from 2.12 to  
3 7 acres; an increase in maximum daily tonnage from 180  
4 tons per day to 350 tons per day; increase in traffic from  
5 559 vehicles per day to 1,090 vehicles per day; and a 30  
6 minute increase in the hours that the operator and the  
7 contractor's staff conducts solid waste operations at the  
8 facility.

9           The current hours that that staff operates is 8  
10 a.m. to 5 p.m. And the proposed hours are from 8 to 5:30.  
11 The hours that waste is received at the facility will  
12 remain the same.

13           In addition of a new Household Hazardous Waste  
14 collection facility, a new construction and demolition  
15 debris operation, and a new material reuse and exchange  
16 center were all proposed for this permit.

17           At the time that the agenda item was prepared,  
18 staff had not performed the pre-permit inspection to  
19 determine conformance with State minimum standards. Board  
20 staff did that inspection on September 30th, 2004. No  
21 violations of State minimum standards were noted at the  
22 time of the inspection.

23           However, permit violations were noted for  
24 exceeding the permitted daily tonnage and vehicle limits.  
25 The issuance of this proposed revised permit will correct

1 both of these violations.

2 So in conclusion, Board staff recommends  
3 concurrence and the issuance of the proposed permit and  
4 adoption of Resolution number 2004-260. And today we have  
5 with us Ms. Tracey Harper who's the recycling coordinator  
6 representing the operator, the county Department of  
7 Transportation and Sanitation. And Mr. Grant Eisen, the  
8 LEA, is also here should you have any questions regarding  
9 the operation or the proposed permit.

10 And this concludes staff's presentation.

11 CHAIRPERSON MULÉ: Thank you very much. Do we  
12 have any questions of our committee members?

13 COMMITTEE MEMBER PAPARIAN: Yeah.

14 CHAIRPERSON MULÉ: Okay, Mr. Paparian.

15 COMMITTEE MEMBER PAPARIAN: Yeah, thank you. And  
16 welcome. Tracey is actually a graduate of the Waste  
17 Board.

18 Good to see you again.

19 It notes in our agenda item that there was a  
20 violation of the notice and order without additional  
21 enforcement. I wonder if you could expand on that. Is  
22 there --

23 MS. O'LEARY: I think we'll refer -- would you  
24 like the operator or the LEA to respond to that?

25 COMMITTEE MEMBER PAPARIAN: Possibly the LEA.

1 Yeah, I mean, I don't know if you saw that part. You  
2 probably saw that part of our agenda item.

3 MR. EISEN: Good morning. I'm Grant Eisen.

4 Can you hear me okay?

5 I'm the LEA with Nevada County Environmental  
6 Health. And, yes, that appears correct. I have to offer  
7 that I had the motive, the choice of restricting their  
8 activity for operations and increasing illegal disposal of  
9 solid waste, because I would have forced them to shut the  
10 doors basically for the facility. And illegal disposal is  
11 out of hand.

12 And not to offer an excuse, but I took the role  
13 as cheer leader. They, as you said, were seeking  
14 compliance -- a very cooperative operator -- and just were  
15 seeking guidance. And so the timeframes didn't come out  
16 right, but they proceeded and here we are today.

17 We did, in my department, discuss the concerns  
18 of, like I said earlier, limiting them to operating by  
19 their permit. But the public health hazard that would  
20 create outweighed that activity. So that's your answer,  
21 sir.

22 COMMITTEE MEMBER PAPARIAN: Okay. Do you want to  
23 add anything to that or is that --

24 MS. O'LEARY: Well, I don't have any additional  
25 details on that. But I did want to point out that this

1 facility, when staff went out and inspected it on  
2 September 30th, the records show that this facility over  
3 40 percent of their total waste stream coming into the  
4 facility is from self-haul waste.

5 So that it is a large proportion of their total  
6 waste stream. And staff did express concern that had they  
7 been shut down that a lot of that waste would have ended  
8 by the side of the road.

9 DEPUTY DIRECTOR LEVENSON: I would just like to  
10 add, if I might, I understand the situation that the  
11 Placer County LEA. It's still -- I mean Nevada County,  
12 sorry.

13 (Laughter.)

14 DEPUTY DIRECTOR LEVENSON: It still remains a  
15 fact that these are violations of the permit terms and  
16 conditions. And it's our expectation that violations be  
17 noted. And there are ways to write notices and orders  
18 that give time to work on things and establish potential  
19 compliance schedules and penalties. So I think this is  
20 something where we'll need to take up with Grant and the  
21 LEA staff in terms of how to proceed on down this path.

22 COMMITTEE MEMBER PAPARIAN: Good. And again, we  
23 always want to -- like I said on the last item -- be sure  
24 that especially with a municipally owned facility, that  
25 there's consistency between the private and the public

1 facilities, too.

2 COMMITTEE MEMBER MARIN: Madam Chair, would we  
3 recommend then maybe a refresher just to make sure that  
4 all of the LEAs realize that this is truly something that  
5 they have to follow. Have we done that? Do we do  
6 something like that routinely, every so many years?  
7 People change in different LEAs, as well as people on the  
8 Board and staff. Wouldn't that be something, without  
9 necessarily penalizing one or -- you know what I'm saying.

10 DEPUTY DIRECTOR LEVENSON: Sure. There's a  
11 number of venues that we can use to get that message out.  
12 We do have State minimum standard training coming up next  
13 year. We can build in some of the enforcement related  
14 refreshers or training. This is always a topic of  
15 discussion between LEAs and waste board staff. It's  
16 something that we can also bring up at the conference, if  
17 the steering committee for the LEA conference thinks it's,  
18 you know, a big enough topic. So there's a number of ways  
19 we can interact with LEAs on this.

20 COMMITTEE MEMBER MARIN: Or may I suggest with  
21 that conference that one of the Board members goes and  
22 basically suggests to them that the Board does expect them  
23 to notice you know -- to do their job. That this is an  
24 expectation that we have, maybe coming from the Board  
25 directly.

1 Different ways, maybe we need to send a message  
2 two or three different ways. Madam Chair, I think that  
3 that might be something that should be considered.

4 CHAIRPERSON MULÉ: I think that's a great  
5 recommendation. As a matter of fact, I mean going through  
6 some of these agenda items there seems to be some  
7 consistency with, you know, the LEAs and the lack of  
8 enforcement.

9 So Howard, anything that we can do to follow up  
10 and work cooperatively with the LEAs to make sure that  
11 they're operating within the Regulation and within our  
12 expectation, we appreciate that.

13 Thank you.

14 MR. EISEN: Thank you.

15 CHAIRPERSON MULÉ: Okay. Any other questions?

16 COMMITTEE MEMBER MARIN: With that, Madam Chair,  
17 I'd like to move Resolution 2004-260.

18 COMMITTEE MEMBER PAPARIAN: Second.

19 CHAIRPERSON MULÉ: Okay. We have a motion by  
20 Board Member Marin and a second by Board Member Paparian.

21 Jeannine, could you substitute the previous roll,  
22 please.

23 Thank you.

24 And Howard, Mark consent agenda?

25 Consent, very good.

1 Thank you.

2 Okay. Next item, Agenda Item 5, Semi-Annual  
3 Update and Publication of the Inventory of Solid Waste  
4 Facilities which Violate State Minimum Standards.

5 This is an information item only. And Howard who  
6 do we have?

7 DEPUTY DIRECTOR LEVENSON: Suzanne Hambleton  
8 Supervisor in the Permitting and Inspection Branch will be  
9 presenting the item. It was developed by Leslee  
10 Newton-Reed who's gone on to greener pastures at Fish and  
11 Game down in the San Diego region.

12 MS. HAMBLETON: Good morning. As Howard  
13 indicated my name is Suzanne Hambleton.

14 The statute requires the Board to maintain an  
15 inventory or list of solid waste facilities that violate  
16 State minimum standards greater than 90 days. This does  
17 not include permit violations.

18 The Board is required to update and publish the  
19 inventory twice a year. At the last update and  
20 publication of the inventory in April 2004, there were 10  
21 facilities on the list. Since April 2004, 2 facilities  
22 have been removed and 4 facilities have been added for a  
23 total of 12 facilities currently on the list.

24 Pumice Valley Landfill, Benton Crossing Landfill  
25 both in Mono county have been removed from the inventory.

1 Glenn County Landfill, Florin-Perkins Transfer Station in  
2 Sacramento County, Forward Landfill in San Joaquin county  
3 and Loyalton Landfill in Sierra County have been added to  
4 the inventory.

5 For the record, Loyalton Landfill was added to  
6 the inventory after the publication of the agenda item.

7 Currently, 3 facilities in Kern County, Ven  
8 Virotek-Arvin Processing and Recycling Station, Arvin  
9 Landfill and Lokern farms, and one facility in Glenn  
10 County, the Glenn County Landfill have not been issued  
11 enforcement orders by their LEAs as required by  
12 Regulation. This is a total of 4. I think in the agenda  
13 item it lists 5, but I believe since that time one has  
14 been updated.

15 Staff is working with the Board's enforcement  
16 management services staff to automate the inventory report  
17 to have it generated directly from our SWIS database. We  
18 hope that by the next update in April we will have the  
19 inventory automated.

20 Additionally, after this inventory update, each  
21 city council or county board of supervisors, with a  
22 facility in its jurisdiction on the inventory will receive  
23 a copy of the published inventory.

24 And this ends my presentation.

25 I'd be happy to try and answer any questions.



1 There's also staff here in the audience that can answer  
2 specific questions. And I believe a couple of LEAs are  
3 also here for this item.

4 CHAIRPERSON MULÉ: Thank you, Suzanne. Do we  
5 have any questions?

6 Board Member Marin.

7 COMMITTEE MEMBER MARIN: Yes. Madam Chair, I  
8 really appreciate the fact that you guys are working very,  
9 very hard to get this on RealTime. I mean with the  
10 capacity that we have, I may ask the Executive Director is  
11 there anyway that we can expedite that and not delay the  
12 problem. Can we do even more RealTime than this? It  
13 would be -- I think this is very important information,  
14 Madam Chair.

15 And more importantly one of the things that I  
16 would love to see is on the compliance schedule and the  
17 dates that instead of having pending that an all-out  
18 effort is made to identify a date. How can we look for  
19 compliance when we don't even have a date, when we don't  
20 even give them a goal, an opportunity to work out the  
21 plans.

22 And I can appreciate why some of these situations  
23 are so difficult. It will be years before some of those  
24 people will actually come into compliance. But  
25 nevertheless, it does not negate the need to have a goal

1 as to when we would love to see them in compliance.

2 So to really come to a communion, if you will,  
3 between the LEA and the facilities, along with Board  
4 staff, to say this is our goal. Having pending rollover  
5 somewhere somehow, negates the need for compliance. God  
6 knows when it's going to happen.

7 CHAIRPERSON MULÉ: And I agree, Board Member  
8 Marin. I think it gives the community a better comfort  
9 level if they knew that there was a goal. And then, as  
10 you said, if they were kept in communication as to the  
11 progress of that goal. And I think that's where this  
12 RealTime update would be very, very helpful from a public  
13 access perspective is to allow the public to look at this  
14 on line, RealTime up-to-date information. I think it  
15 would be very helpful.

16 So, Mark, I tend to agree with Chairwoman Marin,  
17 anything we can do to expedite this would be very helpful.

18 Thank you.

19 COMMITTEE MEMBER MARIN: The fact is that when  
20 people are there -- let's say for some here right now, for  
21 6 more months -- let's say that somebody goes to  
22 compliance today, they'll still be on that list for  
23 another 6 months. You know, to the naked eye, they don't  
24 know that in fact -- so I'm more for the people that are  
25 really wonderful working for compliance and they're still

1 on the bad list.

2 Thank you.

3 CHAIRPERSON MULÉ: Mr. Paparian.

4 COMMITTEE MEMBER PAPARIAN: Thank you, Madam

5 Chair. I agree, getting some of this information out and

6 updated on a regular basis on-line I think would be an

7 important service.

8 I wanted to ask a couple questions about the

9 Forward Inc., which just got on the list now. I remember

10 approving a permit for this back in June of 2003. And

11 before we approved that permit there were issues of gas

12 violations at the facility. And the gas was brought under

13 control within hours or a couple of days before we got the

14 permit.

15 And I remember asking at the hearing, in fact I

16 had to double check the transcript, is are they under

17 control? Is it going to be okay? And I was told yes.

18 And then a week and a half after we approved the permit,

19 the violations started happening again. And then it has

20 been fairly consistent since then, that there's been

21 issues and problems with the gas there.

22 What's going on?

23 DEPUTY DIRECTOR LEVENSON: You're absolutely

24 correct that we did hear that permit revision last June,

25 June of 2003 I mean. And at that point, the gas

1 violations were under control. I believe -- and Gerry  
2 Stryker will give you an update -- that the new gas  
3 violations that have occurred since that permit revision  
4 are at a different spot other than in between the 2 prior  
5 landfills, which were combined. But I'll turn it over to  
6 Gerry.

7 MS. STRYKER: Hi. Thank you.

8 Gerry Stryker. I'm supervisor over the central  
9 south region of the Permitting and Inspection Branch.

10 Correct, there were violations. They were under  
11 control. Those previous points were at the borders, but  
12 they were between the 2 landfills that were merged. So  
13 the current violation is -- what has happened is they  
14 installed a new cell. They went about 20 to 30 feet down  
15 and installed a new liner. What they believe is happening  
16 is that the old landfill, which had no liner and is  
17 producing the gas, is actually -- the gas is going under  
18 the land -- under the liner and seeping under the liner  
19 into these probes.

20 And so they are -- they have submitted a new  
21 plan. The staff is reviewing that plan. They're looking  
22 at possibly installing an air vacuum curtain to help  
23 resolve this. And so hopefully soon, you know, that will  
24 also be under compliance as well. But they are working on  
25 that issue.

1 COMMITTEE MEMBER PAPARIAN: It seemed pretty  
2 high. I mean, within 10 days of the permit issuance it  
3 was up at 18 percent at one. And then I noticed that it  
4 got up as high as 44 percent. I don't know if I've ever  
5 seen a number that high from things that I've seen. So it  
6 seems like it's a pretty significant concern here.

7 You're confident that with the corrective  
8 measures though, it's going to be the type of stuff that  
9 will take care of it.

10 MS. STRYKER: You know, I'm going to -- I know  
11 I've been told I can't use this very often, but I'm new.  
12 I've been here since May. And unfortunately the staff  
13 with this is not here today. And maybe we can get more  
14 information for you by the Board meeting.

15 COMMITTEE MEMBER PAPARIAN: Apparently a  
16 representative of the operator may.

17 CHAIRPERSON MULÉ: We do have a speaker here  
18 who's representing the operator. Chuck Helget. Chuck, do  
19 you want to come up and address Mr. Paparian's questions.

20 Thank you.

21 MR. HELGET: Madam Chair and members of the  
22 Committee, Chuck Helget representing Allied Waste and BFI.  
23 I wish I had the technical expertise to answer your  
24 questions, the specific questions about gas, but I don't.  
25 But I'll assure you that we'll meet with you and bring

1 Kurt Fujii and some of the folks up that can sit down and  
2 talk with you.

3           Often times when these violations occur, there's  
4 an impression left that nothing is being done. And I  
5 think it's very far from the truth in this case. We've  
6 worked extremely close with the LEA and with board staff  
7 to come up with a resolution to this issue. It's a new  
8 violation in a new area. There aren't the same probes  
9 that were there before the permit. Those probes, as far  
10 as I'm concerned, are in compliance.

11           But these probes, the hits resulted after we put  
12 the new liner in. And, correct, we believe the gas is  
13 getting under the liner and being forced out to these  
14 probes. So the approach is to put a curtain on the  
15 outside of that liner to extract the gas before it gets  
16 outside of the perimeter.

17           We're spending -- we have spent \$300,000 in a  
18 very short period of time to do that within a month's  
19 time. And we'll be spending at least that amount again to  
20 get this problem under control. So there is a very strong  
21 commitment to make sure that these probes come back into  
22 compliance as quickly as possible.

23           COMMITTEE MEMBER PAPARIAN: Thank you.

24           CHAIRPERSON MULÉ: Thank you, Chuck.

25           COMMITTEE MEMBER PAPARIAN: I had one quick

1 question on another one. I know the Florin-Perkins we're  
2 waiting a hearing panel.

3 DEPUTY DIRECTOR LEVENSON: We have actually the  
4 Sacramento county LEA. I see Steve Kalvelage and Tammy  
5 Derby are in the audience. Could you comment on the  
6 latest on that, Steve.

7 MR. KALVELAGE: Good morning, members of the  
8 Board. My name is Steve Kalvelage. I'm the Supervisor  
9 and the LEA -- Sacramento county LEA.

10 If I understand your question correctly, it's  
11 what's the status now? There have been a number of notice  
12 and orders written to Florin-Perkins. They have a pretty  
13 complex operation on the site. We have finally got a  
14 hearing scheduled. This isn't the first hearing there  
15 have been a series of hearings. But now this is the first  
16 hearing to actually hear the appeal from the operator.  
17 And that will be starting October 18th.

18 So in a couple weeks we will start this. We've  
19 got actually multiple days scheduled, because it's --  
20 there are a number of notice and orders on this site that  
21 go back for the past 2 and a half years. So it's not  
22 going to be settled in one meeting. But we hope to  
23 resolve the 5 notice and orders that we're combining for  
24 this series of hearings over 4 days -- 5 days, starting  
25 October 18th.

1           So we feel we're making progress, but I certainly  
2 understand if there's a perception that we're not moving  
3 too rapidly on this.

4           Any questions?

5           COMMITTEE MEMBER PAPARIAN: No. In fact, I can't  
6 imagine how frustrating it must be for you to have to deal  
7 with this situation. And I really, you know, admire and  
8 appreciate your sticking to it, and doing what's right  
9 here. And it's been an eye opener for me to see how long  
10 it's taken to address a problem. And I know there's been  
11 some -- since you've tried to get the problem addressed, I  
12 know there's been even more issues and concerns there.  
13 And even, you know, there was a death at the facility and,  
14 you know, I wonder, in my mind, whether that would have  
15 been avoided if your orders had been adhered to.

16          MR. KALVELAGE: I'd rather not make a conjecture  
17 on that.

18          COMMITTEE MEMBER PAPARIAN: Yeah.

19          CHAIRPERSON MULÉ: Thank you, Steve.

20          DEPUTY DIRECTOR LEVENSON: Madam Chair, if I  
21 could just add that from the Waste Board perspective,  
22 we've worked very cooperatively with the Sac County LEA on  
23 this, and have explored many different options for trying  
24 to bring this to completion. And right now we're looking  
25 forward to seeing the hearings happen and hopefully some



1 forward progress.

2 This is an example of the fact that in a  
3 situation like this where we have some illegal activities,  
4 the N&O can be appealed and it's automatically stayed. AB  
5 2159 will correct that for activities that are clearly  
6 illegal and occurring without a permit. But that will not  
7 become effective until January.

8 CHAIRPERSON MULÉ: Steve, thank you for being  
9 here today.

10 Okay. Now, this item can go on consent agenda or  
11 does it need -- just for us. Committee only. Okay,  
12 great.

13 Thank you. Well, that leads us to our final  
14 agenda item today, Item 6, which is Consideration of  
15 Augmentation for the Environmental Services Contract for  
16 Landfill and Disposal Site Remediation.

17 And it looks like we've got Wes.

18 DEPUTY DIRECTOR LEVENSON: It will be Mr. Wes  
19 Mindermann presenting that item. I should mention also  
20 that Wes is very involved in the La Montana projecet along  
21 with Scott and Jeff Cornette.

22 COMMITTEE MEMBER MARIN: Based on that, we're  
23 approving this.

24 (Laughter.)

25 DEPUTY DIRECTOR LEVENSON: That's what I thought.

1 MR. MINDERMAN: That concludes my presentation.

2 (Laughter.)

3 (Thereupon an overhead presentation was  
4 Presented as follows.)

5 MR. MINDERMAN: Thank you, Madam Chair and  
6 members of the Committee. The item before you this  
7 morning is to augment two of our landfill and disposal  
8 site remediation contracts under the Solid Waste Cleanup  
9 Program.

10 --o0o--

11 MR. MINDERMAN: Just as a little background, the  
12 authorizing legislation for the Solid Waste Cleanup  
13 Program also allowed the Board to expend funds directly  
14 for cleanup. These cleanups are implemented through board  
15 contractors.

16 --o0o--

17 MR. MINDERMAN: If you were asking me how we  
18 were sort of set up, you can see here. We have 2 landfill  
19 and disposal site remediation contractors and also one  
20 engineering services contractor.

21 The contracts we're talking about today are  
22 highlighted in red. And these are the landfill and  
23 disposal site remediation contractors.

24 --o0o--

25 MR. MINDERMAN: If you were to ask me what our

1 current contract situation is, you can see it right here.  
2 This is as presented in the agenda item a little bit  
3 different format. Under Irv Guinn Construction we have  
4 about \$850,000 left in that contract. But as you can see  
5 the project funds for approved projects are estimated at  
6 860,000. That puts us in the red at about \$10,000.

7 Under A.J. Diani, you can see we had about 2 and  
8 a half million dollars in that contract. That included  
9 the million dollars the Board allocated for ARS, the  
10 Aggregate Recycling System site.

11 But right now the estimate for that project is  
12 \$2.1 million. We have another project slated under that  
13 contract down in National City. And that puts us at about  
14 \$3 million of project funds required, which essentially  
15 again puts us in the red at about 500,000.

16 What we would propose is to put a million dollars  
17 in the Irv Guinn Construction contract to augment it, not  
18 only for the current minor deficit, but also for future  
19 projects. What's not shown on this chart anywhere are the  
20 projects that we're working on for potential board  
21 consideration in the future. There's 4 I know of, and  
22 we're estimating they're going to be in the range, total  
23 range, for all 4 of about \$550,000 to \$600,000.

24 Under the A.J. Diani Construction contract we're  
25 asking for \$1.1 million. What this essentially does is

1 cover the entire 2.1 million for the ARS site that we  
2 estimated. And we think we can cover the rest of the  
3 projects with the funding that was originally in the  
4 contract.

5 So that's staff's recommendation. We're basing  
6 that on our current need, our projected need and also to  
7 give the Board some flexibility in case other projects  
8 that we don't know about come forward, similar to the ARS  
9 project and the Crippen project.

10 That's my presentation. We're recommending the  
11 Board approve the augmentations and adopt Resolution  
12 2004-208 and I think we're lobbying hard for fiscal  
13 consensus.

14 Thank you.

15 (Laughter.)

16 CHAIRPERSON MULÉ: Thanks, Wes. Do we have any  
17 questions of our board members?

18 COMMITTEE MEMBER PAPARIAN: No. I'll make a  
19 motion though.

20 CHAIRPERSON MULÉ: Okay, go right ahead.

21 COMMITTEE MEMBER PAPARIAN: I'd like to move  
22 Resolution 2004-208.

23 COMMITTEE MEMBER MARIN: Second.

24 CHAIRPERSON MULÉ: Okay. We have a motion by  
25 Board Member Paparian, seconded by Board Member Marin.

1 Could you substitute the previous role?

2 Thank you.

3 And what's our pleasure on consent, fiscal  
4 consent?

5 COMMITTEE MEMBER MARIN: Definitely.

6 COMMITTEE MEMBER PAPARIAN: Yes.

7 CHAIRPERSON MULÉ: Okay. We'll put it on fiscal  
8 consent then.

9 All right, let's see, that's it for our agenda  
10 items. I don't know if there's any member of the public  
11 that would like to address the Board on an issue at hand.

12 Seeing none, this meeting is adjourned.

13 Thank you.

14 (Thereupon the California Integrated Waste  
15 Management Board, Permitting and Enforcement  
16 Committee meeting adjourned at 11:00 a.m.)

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing California Integrated Waste Management Board,  
7 Permitting and Enforcement Committee meeting was reported  
8 in shorthand by me, James F. Peters, a Certified Shorthand  
9 Reporter of the State of California, and thereafter  
10 transcribed into typewriting.

11 I further certify that I am not of counsel or  
12 attorney for any of the parties to said meeting nor in any  
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand  
15 this 8th day of October, 2004.

16

17

18

19

20

21

22

23 JAMES F. PETERS, CSR, RPR

24 Certified Shorthand Reporter

25 License No. 10063